1   JAMES F. McCABE (CA SBN 104686)
    jmccabe@mofo.com
2   ADRIANO HRVATIN (CA SBN 220909)
    ahrvatin@mofo.com
3   MORRISON & FOERSTER LLP
    425 Market Street
4   San Francisco, California 94105-2482
    Telephone: 415.268.7000
5   Facsimile: 415.268.7522

6   Attorneys for Defendant
    REED ELSEVIER INC.
7

8   UNITED STATES DISTRICT COURT

9   NORTHERN DISTRICT OF CALIFORNIA

10   SAN FRANCISCO DIVISION

11

12   ANDREW L. DIEDEN,   Case No.   CV 09-3319 MMC

13   Plaintiff,

14   v.   **STIPULATION AND [PROPOSED]
                                                ORDER CONTINUING INITIAL
15   REED ELSEVIER, INC., (REI)   CASE MANAGEMENT
     Currently owns and operates LexisNexis,   CONFERENCE**
16
                   Defendant.
17

18

19

20

21

22

23

24

25

26

27

28

STIPULATION & [PROPOSED] ORDER CONTINUING CMC
CASE NO. CV 09-3319 MMC
sf-2759376

1   Pursuant to Civil Local Rules 6-1, 6-2 and 7-12, as well as this Court's standing orders for

2   civil cases, the parties hereby respectfully stipulate, subject to the Court's consideration and

3   approval, as follows:

4   1.   On July 20, 2009, plaintiff filed his complaint in this action. (Docket No. 1.)

5   2.   Also on July 20, 2009, the Court issued an order scheduling an initial case

6   management conference in this matter for October 30, 2009. (Docket No. 2).

7   3.   The parties, through their respective counsel, have engaged in regular and

8   substantial negotiations to resolve this matter without the need for motion practice, protracted

9   litigation and Court intervention. (*See* Decl. of A. Hrvatin in Support of Stipulation and

10   [Proposed] Order ("Hrvatin Decl.") ¶ 4.)

11   4.   In this connection, the parties have stipulated to three extensions of time for

12   defendant to respond to the complaint (*see* Docket Nos. 5, 6 and 10) so as to preserve resources

13   and focus their efforts on continued settlement negotiations. (Hrvatin Decl. ¶ 5.)

14   5.   On October 29, 2009, counsel for plaintiff and defendant conferred regarding a

15   brief continuance of the initial case management conference. The parties have in principle

16   reached an agreement to resolve this matter, have reduced that agreement to writing and are

17   negotiating final details. The agreement contemplates, upon its execution, that the parties will file

18   a stipulation for the voluntary dismissal of this matter. (*Id.* ¶ 6.)

19   6.   The parties agree, so that they may continue to focus their efforts on informal

20   resolution, to a brief two-week continuance of the initial case management conference from

21   October 30, 2009 to November 13, 2009, at 10:30 a.m. (*Id.* ¶ 7.)

22   7.   This agreed-upon extension of the initial case management conference is not

23   submitted for the purpose of delay. The stipulated continuance provides the parties, who have

24   negotiated to date in good faith, with a reasonable extension of time to finalize an acceptable

25   resolution to this matter. (*Id.* ¶ 8.)

26   8.   The stipulated continuance further preserves the parties' and Court's resources and

27   further promotes judicial efficiency in that it permits the parties to resolve their dispute without

28

1 Court intervention. In this connection, the parties agree that the brief extension to the schedule

2 will not cause prejudice to either party. (*Id*. ¶ 9.)

3   9.   Should the parties be unable to resolve this matter, they shall meet all pre-

4 conference filing obligations, including those set forth in Rule 26(f), and file any required

5 materials by November 6, 2009.

6   **IT IS SO STIPULATED.**

7 Dated: October 29, 2009   MORRISON & FOERSTER LLP

8

9   By: /s Adriano Hrvatin

10   Adriano Hrvatin

11   Attorneys for Defendant
                               REED ELSEVIER INC.

12 Dated: October 29, 2009   ANDREW L. DIEDEN LAW OFFICE

13

14

15   By: /s Andrew L. Dieden

                               Andrew L. Dieden

16   Attorneys for Plaintiff
                               ANDREW L. DIEDEN

17

18

19

20

21

22

23

24

25

26

27

28

STIPULATION & [PROPOSED] ORDER CONTINUING CMC   2
CASE NO. CV 09-3319 MMC
sf-2759376

1

[PROPOSED] ORDER

2   On the stipulation of the parties, and good cause appearing:

3

4   **IT IS SO ORDERED.**

5

6   Dated: October __30__, 2009

7

8   _____
                                                       Honorable Maxine M. Chesney
9   United States District Judge

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28